

Appln No. 09/711,648
Amdt date October 1, 2003
Reply to Office action of July 14, 2003

REMARKS/ARGUMENTS

Claims 1 to 35, as amended, are pending. Applicant has amended claims 1, 9 and 23. The amendments find full support in the original specification, claims and drawings. Applicant has added new claims 30 to 35. Support for the new claims can be found in the original specification at page 11, lines 26 to 30. No new matter is presented. Applicant respectfully requests entry of the amendments after final, as they place the application in condition for allowance or better form for appeal. In view of the foregoing amendments and following remarks, Applicant respectfully requests favorable reconsideration and a timely indication of allowance.

As an initial matter, Applicant has not received an indication that the Examiner considered the reference provided with the Information Disclosure Statement mailed on June 6, 2003. Applicant respectfully requests that an initialed copy of the Form PTO/SB/08A/B be provided to Applicant with the next communication from the Office.

The Examiner rejected claims 1 to 12 and 24 to 29 under 35 U.S.C. § 102(b) as allegedly anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over, Edwards et al. (U.S. Patent No. 5,370,675). Additionally, the Examiner rejected claims 12 to 20 under 35 U.S.C. § 103(a) as allegedly unpatentable over Edwards '675 in view of Edwards '294 (U.S. Patent No. 5,599,294). Although the Examiner did not expressly include independent claim 23 in the rejection, it appears from his remarks and rejection of claims depending from claim 23 that he appeared to do so. Applicant respectfully traverses these rejections.

Independent claims 1, 9 and 23 are directed to an injection catheter. Claim 1 recites that the injection catheter includes an injection needle extending through the tip section, catheter body, and needle control handle and having a proximal end attached to the needle control handle and a distal end within the tip section,

Appln No. 09/711,648
Amdt date October 1, 2003
Reply to Office action of July 14, 2003

wherein the injection needle is longitudinally slidable within the tip section so that its distal end can extend out the distal end of the catheter upon suitable manipulation of the needle control handle. Claims 9 and 23 contain similar limitations.

This design is neither taught nor suggested by either of the Edwards patents. As Applicant argued in the Amendment dated April 21, 2003, which is incorporated herein by reference, nothing in either Edwards patent teaches or suggests that the needle is longitudinally slidable within the tip section so that its distal end can extend out the distal end of the catheter, as presently claimed.

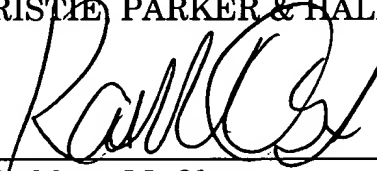
In response, the Examiner noted that "the claims do not require the distal end of the injection needle to be longitudinally slidable within the tip section so that its distal end can extend out of the distal end of the tip section upon suitable manipulation of the needle control handle. The claims only require that the injection needle is longitudinally slidable within the tip section so that its distal end can extend out of the distal end of the catheter" (Office action at 5.)

Applicant has amended claims 1 and 9 to recite that the injection needle is longitudinally slidable within the tip section so that its distal end can extend out the distal end of the tip section and claim 23 to recite the injection needle is longitudinally slidable within the tip section so that its distal end can extend out the distal end of the catheter body. As implicitly acknowledged by the Examiner, these limitations are neither taught nor suggested by either of the Edwards patents. Applicant therefore respectfully requests that the rejections over the Edwards patents be withdrawn.

Appln No. 09/711,648
Amdt date October 1, 2003
Reply to Office action of July 14, 2003

In view of the foregoing amendments and remarks, Applicant submits that pending claims 1 to 35 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,
CHRISTIE PARKER & HALE, LLP

By 
Kathleen M. Olster
Reg. No. 42,052
626/795-9900

KMO/edb
EDB PAS517863.1.*-10/1/03 7:24 AM